

PATENT
Attorney Docket 047763-5010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Carol Morris *et al.***

Application No. **09/367,009**

Filed: **November 8, 1999**

For: **Diagnosis of Disease Using Tears**

Group Art Unit: **1642**

Examiner: **Minh Tam B. Davis**

NOTICE OF APPEAL TO BOARD OF PATENT APPEALS & INTERFERENCES

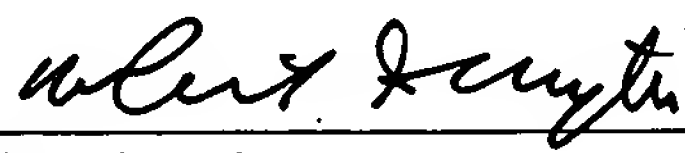
Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated July 2, 2003 of the Examiner finally rejecting claims 13 to 27. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicants petition for an additional two-month extension of time from November 2, 2003 to January 2, 2004 the fee for which is \$840.00 as set forth in 37 C.F.R. 1.17(a)-(d). If an additional extension of time is required, please consider this a Petition therefor.

The Commissioner is hereby authorized to charge **\$1,170.00** to Deposit Account No. 50-0310 for payment of the additional two-month extension of time fee (\$840.00) and the Notice of Appeal fee (\$330.00) as set forth on the accompanying transmittal form.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **December 23, 2003**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000

Respectfully submitted,
Morgan, Lewis & Bockius LLP


Robert Smyth
Registration No. 50,801

12/24/2003 HGBREH1 00000085 500310 09367009

01 FC:1401 330.00 DA
02 FC:1253 840.00 DA